

Entered - 05/08/02 - sb  
CL - 02L0335 LISA CARTER

03- R-2195

CLAIM OF: NEIL COLLIER BELL, through her  
attorney

James L. Ford, Sr.  
6111 Peachtree Dunwoody Road  
Suite 100  
Atlanta, Georgia 30328

For damages alleged to have been sustained during an arrest  
on December 20, 2002 at 5700 Spine Road

THIS ADVERSED REPORT IS  
APPROVED

BY: \_\_\_\_\_

JERRY L. DELOACH  
DEPUTY CITY ATTORNEY

## ADVERSE REPORT

PUBLIC SAFETY &

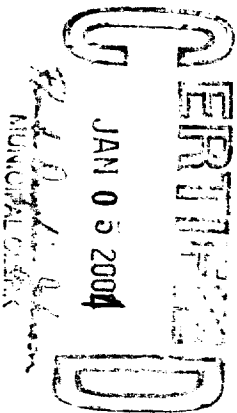
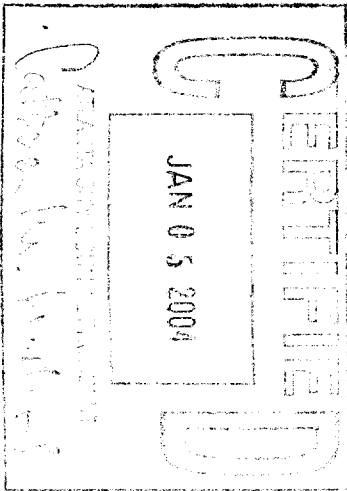
LEGAL ADMINISTRATION COMMITTEE

DATE: \_\_\_\_\_

CHAIR: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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ADVERSED  
JAN 05 2004





## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

January 14, 2004

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

James L. Ford, Sr.  
Attorney at Law  
6111 Peachtree Dunwoody Rd.  
Suite 100  
Atlanta, GA 30328

03-R-2195

RE: Neil Collier Bell

Dear Attorney Ford:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on January 05, 2004. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 03L0548

Date: November 25, 2003

Claimant /Victim NEIL COLLIER BELL

BY: (Atty) (Ins. Co.) James L. Ford

Address: 6111 Peachtree Dunwoody Road Suite 100 Atlanta, Georgia 30328

Subrogation: Claim for Property damage \$ Unspecified Bodily Injury \$

Date of Notice: 07/01/03 Method: Written, proper X Improper     

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.)     

Date of Occurrence 12/30/02 Place: 5700 Spine Road

Department Police Services Bureau:      Division:     

Employee involved      Disciplinary Action:     

NATURE OF CLAIM: Claimant alleges that she sustained damages during an arrest at 5700 Spine Road. However, the claim as presented does not comply with the requirements of notice as set forth in O.C.G.A. § 36-33-5, in that the six month statute of limitations expired prior to receipt of the claim. Furthermore, the city is immune from liability as set forth in O.C.G.A. §36-33-1.

INVESTIGATION:

Statements: City employee      Claimant      Others X Written X Oral     

Pictures      Diagrams      Reports: Police X Dept Report      Other     

Traffic citations issued: City Driver      Claimant Driver X

Citation disposition: City Driver      Claimant Driver     

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial     

Improper Notice      More than Six Months X Other X Damages reasonable     

City not involved      Offer rejected      Compromise settlement     

Repair/replacement by Ins. Co.      Repair/replacement by City Forces     

Claimant Negligent      City Negligent      Joint      Claim Abandoned     

Respectfully submitted,

  
INVESTIGATOR - LISA CARTER

RECOMMENDATION:

Pay \$      Adverse X Account charged: 1A01      2J01      2P01     

Claims Manager:  Concur/date 11/25/03

Committee Action:      Council Action

RCS# 5288  
1/05/04  
3:23 PM

Atlanta City Council

## Regular Session

CONSENT I

CONSENT I PG 1-9 EXCEPT;02-O-2087,  
03-R-2173  
ADOPT

YEAS:	10
NAYS:	0
ABSTENTIONS:	0
NOT VOTING:	6
EXCUSED:	0
ABSENT	0

Y Smith	NV Archibong	Y Moore	NV Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	NV Maddox	Y Willis
Y Winslow	NV Muller	NV Boazman	NV Woolard

CONSENT I

1-05-04 Council Meeting	
ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 03-O-2225 2. 03-O-2161 3. 03-O-2221 4. 03-O-2175 5. 03-O-2229 6. 03-R-2171 7. 03-R-2214 8. 03-R-2215 9. 03-R-2233 10. 03-R-2219 11. 03-R-2172 12. 03-R-2174 13. 03-R-2176 14. 03-R-2246 15. 03-R-2247 16. 03-R-2248 17. 03-R-2226 18. 03-R-2232 19. 03-R-2237 20. 03-R-2178 21. 03-R-2181 22. 03-R-2182 23. 03-R-2183 24. 03-R-2184 25. 03-R-2185 26. 03-R-2186 27. 03-R-2187 28. 03-R-2188 29. 03-R-2189 30. 03-R-2190 31. 03-R-2191	32. 03-R-2192 33. 03-R-2193 34. 03-R-2194 35. 03-R-2195 36. 03-R-2196 37. 03-R-2197 38. 03-R-2198 39. 03-R-2199 40. 03-R-2200 41. 03-R-2201 42. 03-R-2202 43. 03-R-2203 44. 03-R-2204 45. 03-R-2205 46. 03-R-2206 47. 03-R-2207 48. 03-R-2208 49. 03-R-2209 50. 03-R-2210